

claims 2 and 6, respectively, which amended claims are now believed to correspond to that subject matter the examiner finds adequately described. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

III. Rejections Under 37 C.F.R. §112, Second Paragraph

Claims 1, 3-5 and 7-10 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant traverses the rejection, but in the interest of advancing the prosecution, amendments are provided that incorporate limitations of claims 2 and 6 into claims 1 and 4, respectively. As claims 2 and 6 were not rejected, it is believed that these amendments overcome the rejections. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

IV. Rejections Under 37 C.F.R. §102

A. *Cheng*

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Cheng. Applicants traverse the rejection. However, in the interest of advancing the prosecution, claim 1 has been amended to incorporate the limitations of claim 2, and some of the limitations of claim 3. Claim 1 as now presented clearly is not anticipated by Cheng. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

B. *Hudson*

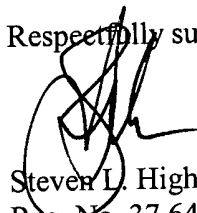
Claims 4-10 stand rejected under §102(b) as allegedly anticipated by Hudson. Applicants traverse the rejection. However, in the interest of advancing the prosecution, claim 4 has been amended to incorporate the limitation that the scissile strand topoisomerase I cleavage site is not more than 10 bases from the 3' end of the first nucleic acid, a limitation lacking in the cited

primer. Thus, claim 4 as now presented clearly is not anticipated by Hudson. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

V. Conclusion

In light of the foregoing, applicant respectfully submits that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this response, a telephone call to the undersigned is invited.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: April 14, 2003

APPENDIX A: MARKED UP COPY OF AMENDED CLAIMS

1. (Amended) A nucleic acid with a 5' end and a 3' end comprising a first functional nucleotide sequence and a scissile strand topoisomerase I cleavage motif sequence selected from the group consisting of CCCTT and TCCTT, wherein the scissile strand topoisomerase I cleavage motif sequence is located 3' to the first functional nucleotide sequence and provides a scissile strand topoisomerase I cleavage site that is not more than 10 bases from the 3' end of the nucleic acid, wherein the first functional nucleotide sequence is selected from the group consisting of a prokaryotic promoter sequence, a eukaryotic promoter sequence, a viral promoter sequence, a polypeptide tag encoding sequence, a terminator sequence, a fusible protein encoding sequence and an intronic sequence.
2. (Amended) The nucleic acid of claim 1, wherein the scissile strand topoisomerase I cleavage motif sequence is [selected from the group consisting of: CCCTT and] TCCTT.
3. (Canceled)
4. (Amended) An adaptor comprising a first nucleic acid with a 5' end and a 3' end comprising a scissile strand topoisomerase I cleavage motif having a 5' motif sequence contiguous with a 3' motif terminal [nucleotide] T, said 5' motif sequence being selected from the group consisting of CCCT and TCCT and providing a scissile strand topoisomerase I cleavage site that is not more than 10 bases from the 3' end of the first nucleic acid, said 3' motif terminal [nucleotide] T being contiguous with a palindromic sequence of not less than two nucleotides nor more than 10 nucleotides and said palindromic sequence being contiguous with a 3' end [nucleotide that is complementary to the 3' motif terminal nucleotide of the scissile strand topoisomerase I cleavage motif] A.
5. (Amended) The adaptor of claim 4, further comprising a second nucleic acid having a 5' end sequence that is complementary to the 5' sequence of the scissile strand topoisomerase I cleavage motif.

6. (Amended) The [first nucleic acid of the] adaptor of claim 4, wherein [the 3' motif terminal nucleotide of the scissile strand topoisomerase I cleavage motif is T and] the 5' motif sequence of the scissile strand topoisomerase cleavage motif is [selected from the group consisting of CCCT and] TCCT.
7. (Amended) The [first nucleic acid of the] adaptor of claim 4, further comprising a restriction endonuclease site located 5' to the scissile strand topoisomerase I cleavage motif.
8. (Amended) The [first nucleic acid of the] adaptor of claim 4, further comprising a 5' end sequence that is complementary to the 5'-overhang of a restriction endonuclease site.
9. (Amended) The [first nucleic acid of the] adaptor of claim 7 or claim 8, wherein the restriction endonuclease is selected from the group consisting of[:] BamH I, Bgl II, Cla I, Dde I, Eae I, Eag I, EcoR I, Hind III, Kas I, Mbo I, Mlu I, Nco I, Nde I, Nhe I, Not I, PaeR7 I, Sal I, Sau3A, SpeI, Sty I, Xba I, Xha I, Xho I and Xma I.
10. (Amended) The [first nucleic acid of the] adaptor of claim 4, further comprising a first functional nucleotide sequence selected from the group consisting of[:] a prokaryotic promoter sequence, a eukaryotic promoter sequence, a viral promoter sequence, a mutational sequence, a polypeptide tag encoding sequence, a nucleic acid tag sequence, a terminator sequence, a fusible protein encoding sequence, a radioactively labeled nucleotide sequence, a chemically labeled nucleotide sequence and an intronic sequence.
- 11-20. (Canceled)
21. (New) The nucleic acid of claim 1, wherein the scissile strand topoisomerase I cleavage motif sequence is CCCTT.
22. (New) The adaptor of claim 4, wherein the 5' motif sequence of the scissile strand topoisomerase cleavage motif is CCCT.